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RIGHT OF HOME RULE IN CITIES DISCUSSED

Attempts of Legislatures to Abridge Their Power.

A REACTION HAS NOW SET IN
BARRIERS RAISED IN A NUMBER
OF THE STATE CONSTITUTIONS.

"Towns Made the State, Not the State the Towns"—Notable Address on a Question of Vital Concern to Honolulu.

Honolulu is not the only city in the United States in which the question of municipal home rule is affording the chief topic of discussion. Many cities on the mainland are advocating revision of their charters so as to make them more independent of State control and give them a greater moiety of home rule.

For several years legislatures of some of the states have been steadily encroaching upon the rights of the cities, interfering with or restricting their legitimate functions, and in many instances putting under state control departments that form an integral part of the machinery of city government. Further encroachments along this line are threatened from state legislatures scheduled to meet next January. The most radical step in the direction of state control of municipal powers is proposed in New York. Senator Platt, the recognized Republican leader, in order to obtain control of New York City, Buffalo, Albany, Troy, Rochester and Syracuse of police control, and substitute therefor state constabulary. The proposed measure takes police power away from the cities, but the cities will be allowed to foot the bills. Naturally the proposed departure in police control arouses widespread indignation in the cities affected, and its appearance in the legislature will provoke the greatest legislative contest witnessed at Albany in many years, ending in its ultimate defeat.

The practice of state interference with functions purely municipal, as so well illustrated in the government of Hawaii, has been carried to such lengths in a few states as to imperil the foundation principles of home rule and the welfare of the cities. The result is that a serious reaction has set in and the political bosses in the states who correspond to the family compact in Hawaii, are fleeing from the wrath to come. This fact was clearly shown by Amasa M. Eaton of Providence, R. I., in a recent address delivered before the Society of Municipal Officers in Tremont Temple, Boston. Mr. Eaton cited many instances showing the reaction against state interference, both by constitutional restraints and court decisions. He overlooked the decision of the Nebraska Supreme Court in the Omaha police commission case, which was an endorsement of the principle of municipal home rule which the speaker eloquently defended. According to the Boston Transcript report, Mr. Eaton reviewed at length the origin and establishment of town governments from the earliest times, in order to show that the doctrine that the creation of the original New England town was the creature of the legislature is based on a legal fiction, contrary to the facts of history. Continuing, he said:

Cities Before States.

"It is submitted that this necessarily rapid survey of the origin and establishment of governments in all the New England states shows conclusively that when they were settled it had not become forgotten, as it has now, that a municipal corporation can be formed by voluntary association and consequently without authority from the crown. The settlers associated themselves together as towns and took unto themselves and exerted the privileges, franchises and liberties properly appurtenant to such a form of municipal incorporation, including the free election of their town officers, magistrates and deputies to the legislature, the independent exercise of jurisdiction in their own courts and under their own ordinances and self-taxation for town purposes, paying to the colony the town's quota of the general tax, subject, of course, to the authority of the legislature to enact general legislation, or, upon request of any town, to mold and direct its exercise of town power, as the occasion might require. We have seen how, through the encroachments of the central power supported by decisions of the judiciary, town powers have become limited, although we cannot trace the steps of this limitation, because from 1620 to 1790 the decisions of our courts were not reported. We have seen how, under the dictation of the bosses in charge of the machine dominant in the legislature, a new system has been devised and successfully used in several states to do away still further with the rights of the towns to the management of their local affairs, under claim of the exercise of the power of the state, by means of boards to be appointed by the governor, with power over matters hitherto left to the towns, the towns to pay the members of these boards, although they are not to have any control over them. These laws are palpably intended to reward henchmen with fat places and to bring recalcitrant towns under the power of the machine that cannot otherwise reach them. It will be found upon examination where these acts are carried through the legislature that the particular town or city to be affected is of the opposite faith in politics from the legislature. A serious blow is thus struck at our political rights, and the courts having adopted a wrong theory and being ignorant of the history and development of town powers, say they are powerless to protect the liberties we are being deprived of by the legislature. In conclusion let us examine what remedy there is, for there is no practical end gained in pointing out a threatened evil without also pointing out the remedy and appealing to an enlightened public opinion to carry it into effect.

Remedies Suggested.

"The remedy consists in incorporating specific amendments in our written constitutions acknowledging the right to local self-government and making provision for the legal enforcement of the right. Every written constitution, in view of the danger that threatens us and the inability or failure of our judiciary to protect this right to local self-government, while stating expressly the right of the legislature to pass general laws not inconsistent with the declaration of the bill of rights, should also expressly state and reserve the right of the legislature to mold and direct the powers, duties and obligations of towns and cities only upon application of the particular municipality affected, and even then only subject to ratification by the voters of such town or city. Already, recognizing this new danger from machine politicians, sixteen state constitutions, most of them of western states, forbid the legislature from regulating by any special act the internal affairs of its municipalities. In many states the constitution assures the right to local self-government, sometimes by providing that the legislature shall not pass any special act creating local offices or commissions to regulate local affairs, sometimes providing that the voters may elect all or certain local officers. The last constitutions of Missouri, California and Washington contain provisions under which towns and cities may make or amend their own charters or conventions of their own delegates, subject, of course, to the constitution and general laws of the state. The experience of these states has proved that these provisions are successful. The charter of St. Louis, thus framed by its own convention of thirteen of its freeholders, elected by its own voters, is considered one of the best of city charters, and the validity of this method has been sustained by the Supreme Court of Missouri.

Reform in California.

"The system having worked there so well, when the constitutional convention of California met in 1879 it was proposed to incorporate it in the new constitution. The machine politicians rose in alarm, professing great fear lest San Francisco, the only city in the state containing the requisite population of 100,000, should break loose from the rest of the state and set up a free government of its own. 'This is the boldest kind of an attempt at secession,' said one speaker. The opposition was so great that the friends of the measure were compelled to accept an amendment that such a charter, after acceptance by the voters of the city, must be approved also by the legislature—to be approved or rejected as a whole, however, without alteration. For years the active opposition of the 'city hall gang,' a potent source of corruption in San Francisco, succeeded in defeating every charter drawn under this clause of the constitution. At last a majority voted to approve the charter thus framed by its own convention. The system meeting with popular approval throughout the state, the constitution was amended to allow all cities of more than 10,000 inhabitants to frame their own charters. The cities of Los Angeles, Oakland, Stockton, San Diego and Sacramento have thus framed and adopted their own charters, and all have proved successful. The system having thus worked so well, in 1890 by constitutional amendment the right was extended to any city of more than 3,500 inhabitants. In 1892 another amendment to the constitution provided that charters thus framed shall become the organic law of the city adopting them and shall supersede all laws inconsistent therewith.

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HANNA TALKS ABOUT SHIP SUBSIDY BILL

He Declares it Would Greatly Benefit the Country.

GROWTH OF SHIPPING ON LAKES

DUE TO A PROTECTIVE POLICY WHICH ENCOURAGED BUILDERS.

Foreign Carrying Trade Must Have Some Kind of Inducement by Law to Insure its Growth—Senate Wants Canal Fortified.

WASHINGTON, Dec. 13.—By special order the senate convened at 11 o'clock today. The announced purpose of the early convening was to enable Mr. Hanna of Ohio to address the members on the ship subsidy bill before taking up the special order of the day—the further consideration in executive session of the Hay-Pauncefote treaty.

At the conclusion of the routine business Mr. Hanna was recognized. His speech was in a sense a reply to that delivered a few days ago by Mr. Clay of Georgia.

Like Mr. Clay, Mr. Hanna is a member of the committee on commerce, from which the measure now pending was reported to the senate. In opening his address Mr. Hanna said that the remarks of Mr. Clay had brought into question the motives of those who had assisted in the preparation of the pending measure. As a member of the maritime committee, as well as a member of the committee on commerce, Mr. Hanna said he felt it his right and duty to explain the work of those committees.

"For myself," he declared, "I resent the imputation that any other motive than those of interest in our country and good public policy actuated the committee."

Mr. Clay interrupted Mr. Hanna to disclaim any imputation.

Taking up the bill, Mr. Hanna said the pending measure was believed to be the most practical legislation that could be enacted upon the subject. He sketched rapidly the rise of the shipping industry of the great lakes.

He had, he said, been connected with that industry for nearly forty years, and had seen it grow from a comparatively insignificant beginning to its present greatness. He recalled the time, nearly a third of a century ago, when the ship Escanaba carried 600 tons of iron ore from Escanaba to Cleveland. Today, he said, there were steamers on the great lakes which were carrying 6,000 gross tons in one cargo. He maintained that this great shipping industry on the lakes had been fostered and protected by salutary and wise navigation laws. To the advantage of these laws was added the liberal appropriations made by Congress for the improvement of the harbors of the great lakes.

ty by diplomatic negotiation. Following is the text of it:

"Resolved, That the President of the United States be respectfully requested to consider the expediency of opening negotiations with the government of Great Britain for the abrogation of the Clayton-Bulwer treaty, with assurance that such action on his part will meet with the hearty consent and support of the senate."

The Race was a Tie.
The barkentine S. G. Wilder and the bark Martha Davis which started out from here on a race to San Francisco both arrived there on the 10th inst. The ship Emily F. Whitney also arrived with them. She made the trip in 19 days and although both the bark and barkentine left here within a couple of hours of each other, the Wilder is credited with making the run in 22 days and the bark in 23 days.

J. A. Hopper Dead.
The sad news of the death of J. A. Hopper in San Francisco at the Occidental Hotel on the 14th inst. was brought here by the Sierra. The body was brought here in the Sierra, accompanied by Mrs. Hopper and daughter.

Home Rule Charter Makers.
The home rule executive committee met last night and considered the list of names for the forthcoming charter commission. Some of the acceptances having been mislaid it was stated that no announcement would be made until all are ready. A full meeting will be held Sunday at which a completion will be reached.

LILUOKALANI REPORTED TO BE ILL IN NEW YORK

NEW YORK, Dec. 13.—A report was printed here today to the effect that Queen Liliuokalani of Hawaii was ill from typhoid fever at the Presbyterian Hospital. The officials of the hospital said the report was untrue so far as that institution was concerned.

PORTO RICANS LABORERS SEE TROUBLE AHEAD

CONTRADICTION REPORT ABOUT
THEIR COMING FURTHER
THAN COAST.

In Charge of Pullman Porters at Indio—Story That They Were Told That Spanish in the Hawaiian Language.

LOS ANGELES, December 11.—A special Los Angeles Times from Indio says: One hundred and twelve Porto Ricans are here in three tourist cars with uniforms Pullman porters to take care of them and their affairs. They have a dining and cooking car, fully equipped with competent staffs of stewards and waiters. The cars are sent from Los Angeles, and fresh meat comes daily.

I visited the car this evening while they were eating supper and examining the food and found that each got plenty of good and wholesome fare, and that they were well housed and fed. And had plenty of fresh water. The cars are cleaned daily. The people all seem to be in good health and spirits and have perfect liberty, going all over the town and country, bathing and washing their clothes at the nearest wells.

Since they have been here they have all purchased more or less at the stores, all seeming to have a little money. I interviewed Frank Alvigs, who is in charge of the party. He is the employ of George E. Baldwin of 3 Pearl street, New York, the general agent for the Hawaiian Sugar Planters' Association. Alvigs says the principal trouble has been caused by straggling Mexicans, who have been talking to the Porto Ricans and telling them they could get good wages by running away from the cars and going on their own hook. I interviewed several of the men, and they told me they had entered into an agreement with R. A. Macfie of Arecibo, Porto Rico, to go to the Hawaiian Islands and work on the sugar plantations at the rate of \$20 per month, free houses, light and fuel, also medical attendance free while working on plantations. They are to work only ten hours a day and to get pay for all overtime. The reason they are being held along the road is on account of medical attendance and a chance is being given them to wash their clothes and themselves. Two children have been born on the train. Both the mothers and children are doing well. Alvigs expects to arrive in San Francisco on or about Friday.

The Examiner under date of Indio, December 11, publishes a list of ten serious grievances that the Porto Ricans lay up against the Hawaiian association employing them. Among other things are the following:

That in their island home they were promised by Messrs. Macfie and Noble, presiding agents of the "Hawaiian Sugar Planters' Association," that before departure from the harbor of San Juan each of them would be paid \$25, whereas only \$5 apiece was paid and that unwillingly.

DELAYED BY A STORM BUT SAFELY IN PORT

The Steamship Sierra
Arrived Last Night.

PLAYS HAVOC WITH HER SPEED

SEVERE GALE LASTED THROUGHOUT THE VOYAGE—PURSER WALTON'S REPORT.

Captain Houliette's Ocean Palace Admirer by Thousands Upon Her Arrival—Eager Throng Allowed to Inspect the Vessel.

The Sierra is here. She arrived last evening after a voyage of seven days and six hours from San Francisco. The slow time of the vessel was on account of the very stormy weather encountered from the time she left San Francisco until port was reached. Yesterday at noon was the first time that a meal was taken without the racks being on the table and for the first four days out from San Francisco there was hardly a place at the tables occupied as all the passengers were more or less under the weather. Captain Houliette says that in all his experience on the Pacific he has never seen such weather and especially at this time of year.

The Sierra left San Francisco on the 13th at 3:30 p. m. She was delayed on account of the lateness of the English mail. The passengers relate their impressions of the trip as the roughest on record, but all say that the Sierra is a splendid sea boat. There are nearly three hundred passengers aboard over half of whom are for this place.

From the account of one of the passengers it seems that besides the rough weather and damage sustained by the vessel several of the crew were hurt in the storm. The first sailor was injured while superintending the lashing of the two extra propellers carried. The wheels are very heavy pieces and during the pitching of the vessel they broke adrift and had to be secured. In this the first officer and carpenter were hurt. Neither of them sustained serious injury. Several of the crew were also battered up considerably while attending to duty. Purser Walton makes the following report of the voyage:

A Storm Delayed Her.
"Sailed from San Francisco, 13th Dec., at 3:30 p. m., and passed light at 5:10 p. m. Discovered a heavy fog and cloudy with fresh S. W. wind, and a heavy N. W. swell. At 1 a. m. wind gradually freshened with rain squalls and at 6 a. m. blowing a strong gale with a very big sea running. The crew were busy at work and on large quantities of water; 9 a. m. had to slow down. At 2 p. m. Dec. 14, still blowing a strong gale with wind from W. N. W. Shipped a heavy sea over forward, unshipping one of the derrick booms and smashing in the derrickwork on front of bridge, high sea and wind all day. Dec. 15, strong gale from S. W., heavy sea and again had to slow down. Dec. 16, gale still blowing, moderate about 7 o'clock and wind shifted N. N. W. Shipped a big sea, washing N. W. derrick, also iron pole and iron stanchion, also iron door off from windless. High wind and sea all day. Barometer 29.25. Dec. 17, still blowing hard with high sea and continued from slow to half speed. At 6 a. m. wind became more moderate. At noon weather better with free to strong S. W. winds. Dec. 18, weather fine with fresh S. W. wind and high westerly swell, continued about the same to port.

When the whistles blew announcing the arrival of port the Pierless was soon ready to take the agents and newspaper men to the steamer. Fred Whitney of W. G. Irwin and a party of friends boarded the tug a few minutes after 7 o'clock and were soon alongside of the Sierra which was several miles off the harbor entrance. The doctor and customs men had reached the steamer before the tug arrived and so there was but a very short time to wait before a favor to board the big vessel which was a mass of lights from stem to stern. The Sierra is painted white and she appears from her great height to be the biggest steamer ever here, although such in fact is not the case. Pilot Lorenzen had the honor of bringing the first of the big new vessels into the harbor and he handled her as if he had been in command for a long time. In making the dock however, a good deal of time was taken as the vessel having a good deal of draught and the water not being very deep, it made slow work getting the stern around. Two gangways were put out for the rush of passengers waiting to get off and the stream of people walking along to a chance to board the vessel.

Greeted by a Throng.
As the Sierra pulled up to the wharf she was greeted with cheers from the great crowd assembled on the wharf to meet her. It was one of the largest crowds the Oceanic wharf has ever held, and as soon as the passengers were off the boat those anxious to go aboard were permitted to do so.

The elegance of the Sierra's furnishings and the modern methods which have been observed in her construction were apparent to everybody who visited the vessel, and it was the opinion of those familiar with what first-class vessels are on the Atlantic that the new craft far surpassed any of the boats of the Atlantic trade. There are accommodations for 238 first-class passengers on the vessel in addition to 80 second-class and 81 steerage. The first cabin diningroom is on the upper deck and can accom-

modate 150 persons at a time. The second-class diningroom on the main deck will seat 15 persons at a time in the stateroom, saloon and diningroom of the Sierra there is every comfort, and all that man can desire while at sea will be found aboard.

In the second cabin the quarters are luxurious, and many a first-class steamer that comes into Honolulu does not show as good accommodations in her first-class quarters, while in the steerage every arrangement has been made for the comfort of those who will travel in that part of the ship.

All the staterooms on the Sierra open into the saloon and diningroom. None of them open on deck. There are sixty-five staterooms on the upper deck and two bridal staterooms on the hurricane deck where also are the rooms of the deck officers and the large social hall. The hall is finished in mahogany with green plush upholstery and green carpet. The smoking-room aft on the hurricane deck is large, done in antique and furnished in russet leather.

There are ten first-class bathrooms all with porcelain tubs and marble floors and walls, and two shower baths in marble enclosures. In the second cabin the baths include porcelain tubs and a first-class barbershop on the upper deck. An innovation throughout the passenger quarters is the ceiling which is finished in bur-lap and canvas toned in colors to suit the furnishings. Everywhere there are electric fans and the whole ship can be ventilated by forced draught when necessary. Hot and cold water are distributed from one end of the vessel to the other, and the electric light system is perfect.

There are three kitchens, one each for the first, second and third class passengers, and nothing has been overlooked that will tend to the comfort of travelers. Captain Houliette, who for many years has been the most popular skipper calling at this port and who has had command of the Australia and Mariposa, is in command of the new boat. The other officers many of whom are well known here are J. H. Traak, chief officer; W. H. Neiman, chief engineer; W. N. Hannigan, chief steward; N. C. Walton, purser; Dr. Soule, surgeon.

A JAPANESE BICYCLIST WAS CRUSHED TO EARTH

Painter Takehaka Was Killed by a Heavy Dray Yesterday Morning—Many Bones Broken.

Takehaka Asadiro, a Japanese painter, who yesterday morning was happily spinning about the city on his bicycle, lies still in death and his body is a mass of broken bones from being instantly crushed by a heavy dray. It was all done in a second, and before the suffering man could be borne to the Queen's Hospital his spirit had fled. He was 42 years of age.

The painter was riding along King street and in front of the Territory stables he was suddenly confronted by the big dray of Hostace & Co., driven by Solo Pipikane. On the other side was the giant steamroller that is used in packing down the crust of the roadway. The dray was coming from the direction of Waikiki, on the left hand side of the street, and the Japanese was riding in the opposite direction on the same side. Between the "left" hand wheels of the dray and the rear wheel of the bicycle, the driver was looking ahead and did not see the bicycle rider fall.

An examination of the body showed that the wheel had passed over diagonally and nearly all the bones in the upper part were crushed.

The coroner's jury returned a verdict of accidental death and recommended the public works department to remove the loose curb stones piled about.

CHARTER COMMISSION DOES A LITTLE BUSINESS

Republican Sub-Committee are Appointed and Fundamental Differences Come to the Surface.

The Republican charter commission held a session last night. Twenty-two members were present. The report of the committee appointed at the meeting was read, discussed section by section and finally adopted. The first section reads: "That the scope of this work shall be confined to the city of Honolulu, the territory to be included to be left for future determination." This section provoked considerable discussion and evoked the main line of city population, which will divide the commission in its work. Some of the members under the leadership of T. McCants Stewart will insist on incorporating the city of Honolulu with the island of Oahu, New York City, so long, coextensive with the island of Manhattan, is the imperial precedent adopted by Mr. Stewart as his guide.

Opposing this view, there are others with Geo. A. Davis as leader, who will favor limiting the boundaries of the city somewhere near the points at which the suburban settlements merge into scattering country homesteads. This faction favors following the example of most American cities which maintain their original limits, including actual city population, gradually extending their boundaries as the cities grow and encroach upon the surrounding country.

SHE DIED OF POISON BY PERSON UNKNOWN

Verdict Rendered On Clara Schneider's Death.

MRS. OTTMANN TELLS HER STORY

LAUGHS OFF THE IMPUTATIONS LAID AT HER DOOR BY BENNETT'S COMRADES

Lying Ill at Queen's Hospital She Gave an Extended Statement to The Republican—Takes Matter Good Naturedly.

The coroner's jury in the case of the death of Clara Schneider rendered a verdict yesterday at 2 o'clock. It was to the effect that she came to her death at Waikiki on December 12, 1900, from morphine poisoning, administered by some person to the jury unknown.

The indefinite phase of the verdict was very unsatisfactory to the jury, which had so patiently labored to ferret the mystery of Miss Schneider's death. Neither was it satisfactory to Deputy Sheriff Chillingworth who has ransacked the town for evidence.

The motive of Bennett in getting the revolver on Tuesday, the day before Miss Schneider's death, has been recognized but not explained. The purposes that animated his heart and mind from Tuesday morning to the fatal hour Friday cannot be guessed.

The search for the dangerous medicine chest at Mrs. Neumann's yesterday resulted in discovering nothing. This exhausted the last hope of the jury of finding evidence that would enable it to put certainty into the tone of their verdict.

As the topic ceases to be of interest a word may be spoken by a woman whose name was dragged into the case at the last moment. She is sick at the Queen's hospital and could not appear at the inquest. This woman is Mrs. Ottmann, whom the soldiers from Camp McKinley mentioned as one of the dead scout's intimates. Mrs. Ottmann had read the accounts in the papers concerning her relations with Bennett. Mrs. Ottmann laughed heartily over the idea that Bennett might have been in love with her or she with him.

"He was past 50 and I am not 26," said Mrs. Ottmann. "He was vain about his age and called me sister when he should have called me daughter. Our relations were quite pleasant," continued the merry little woman, "nothing approaching affection existed between us. He was a strange and interesting man. He was a very close friend of my husband. I once said to him, 'Oh, I hear you have a sweetheart and that her name is Clara.' This made him indignant and he drew himself up proudly and said: 'Do you think I would associate with a servant?' That was the only time I ever mentioned Miss Schneider in his presence.

"The stories of the soldiers that I was with Mr. Bennett at all hours in the parks and at my home are untrue. I saw no more of him away from my home than I do of any other person. I never had appointments to meet him anywhere and never walked with him in the parks. The soldier who said that I went with Mr. Bennett to the theatre, forgot to say that my husband was one of the party as well."

Mrs. Ottmann said Bennett had never given her or her husband a cent of money. She said that Bennett often told herself and husband when they were all together in her home, that he considered them his only friends. She had noticed, when he had been drinking that whenever a soldier came up, he instantly changed his demeanor and was stern, haughty and sober in appearance. She often caught him in lies. He talked a great deal for effect and was secretive in his nature. Despite his insincerity and his subterfuge, she found Mr. Bennett extremely interesting.

"Oh, Mr. Bennett was one of those men," she laughed, "who had carried himself just so, so long, that he had to unbend and be his natural self to somebody. He was given to deceiving himself. He was forever talking of his fine ideas of honor in matters between men and women."

"About two months ago Mr. Bennett seemed very despondent and said to me that he would not care to live if it was not for Mr. Ottmann and myself. He often told me that he did not care for the soldiers at Camp McKinley. Some of them, he could not bear. He never drank Shasta water with me at our place at 2 o'clock in the morning as was stated."

"I am afraid the soldier boys have tried to say things that will injure my reputation. I am sorry for this but much of their talk about myself and Mr. Bennett is more amusing than serious."